

Peter T. Haven (SBN 175048)
HAVEN LAW
1230 Rosecrans Avenue, Suite 300
Manhattan Beach, California 90266
Tel: (213) 842-4617
Fax: (213) 477-2137
Email: peter@havenlaw.com

Attorney for Defendant
MICHAEL R. PAPAYANS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CORY SPENCER, an individual;
DIANA MILENA REED, an
individual; and COASTAL
PROTECTION RANGERS, INC., a
California non-profit public benefit
corporation;

Plaintiffs,

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON aka
JALIAN JOHNSTON, MICHAEL
RAE PAPAYANS, ANGELO
FERRARA, FRANK FERRARA,
CHARLIE FERRARA, and N.F.; CITY
OF PALOS VERDES ESTATES;
CHIEF OF POLICE JEFF KEPLEY, in
his representative capacity; and DOES 1
– 10,

Defendants.

Case No. 2:16-cv-02129-SJO-RAO

**STATEMENT OF
UNCONTROVERTED FACTS AND
CONCLUSIONS OF LAW**

[Fed. Rules Civ. Proc., Rule 56
Local Rule 56-1]

Date: August 21, 2017
Time: 10:00 a.m.
Place: Courtroom 10C
350 W. 1st Street
Los Angeles, California 90012

Hon. S. James Otero

Pursuant to Central District of California Rule 56-1, Defendant MICHAEL R.
PAPAYANS, as the moving party in the concurrently filed motion for summary
judgment, submits this proposed “Statement of Uncontroverted Facts and
Conclusions of Law” and proposed Judgment.

UNCONTROVERTED FACTS

1. Plaintiff Corey Spencer did not see Defendant Michael Papayans at Lunada Bay.
[Decl. of Peter T. Haven (“Haven Decl.”), ¶ 3, Exhibit 1, Depo. of Plaintiff Cory Eldon Spencer (“Spencer Depo.”), 323:7-16, 324:18-23.]

2. Spencer does not know if Papayans was at Lunada Bay when Spencer was at Lunada Bay.
[Haven Decl., ¶ 3, Exhibit 1, Spencer Depo., 324:18-23.]

3. Plaintiff Diana Reed did not see Papayans at Lunada Bay.
[Haven Decl., ¶ 4, Exhibit 2, Deposition of Diana Milena Reed (“Reed Depo.”), 370:18 – 371:2.]

4. Reed has not had a personal encounter with Papayans.
[Haven Decl., ¶ 4, Exhibit 2, Reed Depo., 372:1-5.]

CONCLUSIONS OF LAW

1. Plaintiffs Corey Spencer, Diana Reed, and Coastal Protection Rangers, Inc. (collectively “Plaintiffs”) do not have evidence sufficient to prove that Defendant Papayans committed a battery upon Plaintiffs.

2. Plaintiffs do not have evidence sufficient to prove that Defendant Papayans committed an assault upon Plaintiffs.

